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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

WONG, JOSEPH D

ART UNIT	PAPER NUMBER
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2168

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11/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,144

Applicant(s)

PROVOOST, BART

Examiner

Joseph D. Wong

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-20,23-26,36 and 38-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20,23-26,36 and 38-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11 October 2007 has been entered.

Claims 17-20,23-26,36 and 38-44 are pending. Claims 27-29, 31-35, 37 are cancelled. Claims 40-44 are new.

Response to Arguments

Arguments with respect 35 USC 101 rejections are not persuasive because they recite elements such as "appliances" and "specialized computers" which are not commensurate with instant claim 38. Accordingly, the rejection of claim 38 under 35 USC 101 is maintained. Citation of another U.S. Patent is not germane to the evaluations being made in this case. Examiners are explicitly prohibited from evaluating the patentability of claims in issued U.S. Patents. See MPEP 1701.

The argument is incorrect that a search results page cannot be both a web page and the portal page because there are frames or boundaries such that multiple library search activities can be displayed concurrently on a web page. Evidence that the argument is incorrect can be found

in Epixtech, page 1-12, Figure, top of the window with the menu tabs of “Home Search My Account Browse” which meet the limitation of a portal page because one can jump to other locations. Also Search results can show books from other branches which appears to meet the portal limitation because it jumps to another branch location.

The allegation that the Examiner has ignored the limitation of “portal server that manages a dynamically generated portal page” is incorrect. Evidence to the contrary is shown on Epixtech, page 1-12 because the search result is generated dynamically.

The argument that “determines when the web page is stored in the proxy server” is not an optional conditional limitation is hereby acknowledged with a further clarified citation to show coverage of the argued construction of the claim. Dynamic content such as a search result is by definition generated rather than merely stored thus it meets the limitation.

On Page 8 of the instant remarks, this Office Action acknowledges there is a request to provide the full content of this document. The Examiner has already provided portions of the document being relied upon, along with a publication date, so there is no apparent need for any further documentation.

On Page 10 of the instant remarks, the argument states that the search results page cannot be both a web page and a portal page. This argument is presented without providing further rationale and thus is considered to be a mere argument. The rebuttal of this argument notes that a web page can have comprise multiple parts encapsulated as separate frames or alternatively since a search page provides coverage for multiple library branches that it can meet the limitation of a portal page. The Examiner reasons that the top portion appears directed to a menu bar providing a common look and feel across multiple library branches and locations thus meeting

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the limitation of a portal. The bottom portion appears directed to a search frame. The allegation that the simultaneous fulfillment of portal and search functions do not occur within a single web page is not commensurate with the Examiner's citation of a figure on P. 1-12 which show a portal above the menu bar and a search box below. The arguments refer to citations not mentioned on Pages 5-6 of the Office Action dated August 9, 2007.

On Page 11 of the instant remarks, the arguments allege that the Epixtech reference does not teach or suggest that the content record includes the address of the page. This allegation is moot because it recites portions of the reference that the Examiner does not rely upon.

All pending claims are considered yet all are rejected with respect to the prior art.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 40 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim appears to recite limitations not commensurate with paragraph [44] of the instant specification as observed in the PG-Pub.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 38, 43-44 are rejected for being directed towards nonstatutory subject matter.

Claim 38 is directed to an arrangement (emphasis added) for setting up and updating a portal for a user to access web pages in a data network. An arrangement is not one of the four statutory categories. An arrangement could be reasonably construed to be a compilation of content or derived from software building blocks which can lead to a finding of software per se because the name of elements such as “web server”, “proxy server” or “portal server” also appear to be inclusive of software-only implementations as reasonable doubt is raised after these terms read in light of the drawings (submitted 31 March 2005) which merely show square boxes and specification which recites them in context with software-like terms such as “arrows between the individual components symbolize challenge and response messages that are interchanged between the components” in paragraph [31] thereby permitting the abstraction of the components to be software whose messages are merely symbolic as well as abstract. The term “component” is not necessarily indicative of a physical embodiment. This finding appears to be consistent with IEEE Standard Terms dictionary (7th Ed.) and Microsoft Computer Dictionary (5th Ed) can be interpreted to be software. Claims 43-44 are rejected under the same reasoning as they depend from claim 38.

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Applicant can look to MPEP § 2106.01-2106.02 (August 2006), Interim Guidelines, Clarification to Interim Guidelines, and/or more recent case law with a matching fact pattern for further suggestions that may be helpful in overcoming these rejections.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 39 is rejected under 35 U.S.C. 102(b) as being anticipated by Epixtech, “iPAC System Administrator’s Guide”, 9 Jan 2002, Version 2.0, Epixtech.

Regarding claim 39, Epixtech teaches a method for setting up and updating a portal page for an end user (interpreted to include a “patron”, A-4) to access web pages in a data network (interpreted to include “internet”, P. 1-8, Table 1, Col. 2, Cell Row 5), wherein receiving a user data record from the end user (interpreted to include “Add to my list”, P. 1-12), the user data record having features which describe a sought content for determining a web page, the web page includes an address of an associated content data record in a non-displayable area of the web page (interpreted to be met by hyperlink because the address is not displayed on the web page, P. 1-12), and the associated content record includes features describing a content on the respective web page (interpreted to include “MARC bib record”, P. 4-33, paragraph 1) and an address of the respective web page (P. 4-33, Table 3, Col. 2, Cell Row 2); comparing the data

fields ,of the content data record with the received user data record to determine a degree of match; dynamically generating a portal page including a displayable link to the web page in response to the degree of match at least meeting a previously defined threshold; and sending the dynamically generated portal page to a computer of a user in order to be displayed. (P. 1-12, Fig.) (P. 3-23, Col. 2, Row 4), P. 4-71, #1, table, Row 3, Col. 1; also “Z39.50 connection”, P. 4-71, item #5; more notes cited in claim 17 supra)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-20, 23, 24, 36, 38, 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epixtech, “iPAC System Administrator’s Guide”, 9 Jan 2002, Version 2.0, Epixtech in view of Gralla et al., “How the Internet Works”, Dec. 1999, Que, hereinafter Gralla.

Regarding claim 17, Epixtech teaches a method for setting up and updating a user interface for a user to access information pages (interpreted to include “web pages”, P. 1-9, bullet #5) in a data network (interpreted to include “internet”, P. 3-91) via the portal page (interpreted to be top menu bar on P. 1-12); the requested web page includes an address of an address of a

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content data record in a non-displayable area of the web page (a web address of the URL is not explicitly displayed on the web page in Epixtech and thus the limitation is interpreted to be met), and the content data recording including information pertaining to the content of the retrieved web page (interpreted to include "A player's handbook of short scenes", P. 1-13, item #10, Fig); accessing the content data record via the received address of the content data record in response to receiving the response message; (interpreted to include item #"10", P. 1-13, Fig.)

storing data fields of the accessed content data record; (interpreted to include "Add to my list" button, P. 1-13, Fig.)

receiving from the end user a user data record having features which describe a sought content for determining the web page; (P. 1-11, Fig.)

comparing the stored data fields with the received user data record to determine a degree of match; (interpreted to include "Limit by", P. 1-12, Fig.)

dynamically generating a portal page including a displayable link to the web page in response to the degree of match at least meeting a previously defined threshold; (interpreted to include "subscribe to Syndetics service", Fig., P. 1-12 or "Add to my list" button, P. 1-12) and

sending the dynamically generated portal page to the computer of the end user in order to be displayed. (interpreted to include hitting the "GO" button, P. 1-12 or "Add to my list" and "My List" buttons, P. 1-12, Fig; P. 1-15, Fig. showing "My List")

However, Epixtech does not explicitly teach wherein receiving a first request message from a computer of the end user, the request message comprising an address of a web page to be accessed by the end user; sending a second request message to a web server in order to retrieve

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the requested web page; receiving a response message from the web server, the response message including the requested web page.

On the other hand, Gralla teaches receiving a first request message from a computer of the end user (interpreted to include “#1 client browser”, P. 164), the request message comprising an address of a web page to be accessed by the end user (interpreted to include “IP address”, P. 164, bottom of the page); sending a second request message to a web server in order to retrieve the requested web page (interpreted to include other users shown on P. 169 or retransmission within the web server via CGI, P. 169 or “TCP/IP protocols built-in”, P. 163, paragraph 1 and retransmission of corrupted packets on P. 15, step 5); receiving a response message from the web server, the response message including the requested web page. (step 3, P. 164)

Epixtech and Gralla are analogous art pertinent to the problem to be solved. A skilled artisan would have been motivated to combine Epixtech and Gralla because it provides for how web pages are published and organized on a site that is likely to be of interest as discussed in P. xi, paragraph 1.

Therefore at the time of invention, it would have been obvious to a person having ordinary skill in the art to combine Epixtech and Gralla because it provides for how web pages are published and organized on a site that is likely to be of interest as suggested in P. xi, paragraph 1.

Regarding claim 18, Epixtech teaches the method as claimed, wherein the web page is checked cyclically for accessibility, and the link for the web page is excluded from the

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dynamically generated portal page is response to the page not being accessible. (P. 2-3; P. 1-12, [1-2]; P. 3-37)

Regarding claim 19, Epixtech teaches the method as claimed, wherein the comparison is repeated at intervals of time, and wherein the result of the repeated comparison is used to generate the portal page. (P. 2-3, Fig. right most caption, P. 3-96)

Regarding claim 20, Epixtech teaches the method as claimed, wherein the user data record is updated, wherein after the update the comparison is performed again, and the portal page re-generated. (P. 3-7, Fig., P. 4-62; P. 3-45, #2)

Regarding claim 23, Epixtech teaches the method as claimed, wherein the content data record and the user data record are each a structured document, and wherein the content data record comprises the address of the associated web page. (P. 1-17, last 5 lines, P. 1-18, Fig)

However, Epixtech does not explicitly teach wherein the web page is associated via including the address of the content data record,

On the other hand Gralla teaches, wherein the web page is associated via including the address of the content data record. (interpreted to include steps 1 and 3, P. 164)

The combination of the references is analyzed and discussed under claim 17 supra.

Regarding claim 24, Epixtech teaches the method as claimed, wherein the content data record and the user data record are created in XML format, and wherein the structure of the content data record and of the user data record is respectively stipulated in a description data record. (P. 4-126, table last row, #2, first bullet, P. 3-93, [1-2])

Regarding claim 25, Epixtech teaches the method as claimed, wherein the same respective structure is used for the content data records and for the user data record. (P. 1-11, interpreted to include “Search”; “My Account”, P. 1-15; P. 1-18)

Regarding claim 26, Epixtech teaches the method as claimed, wherein the same respective structure is used for the content data records and for the user data record. (P. 1-12, bottom Fig.)

Regarding claim 36, Epixtech teaches the method as claimed, wherein a plurality of displayable links associated with the requested web pages are displayed on the portable page (P. 1-12, 1-13, Fig. of web page screen shot)

However, Epixtech does not explicitly teach the receiving a first request message, the sending a second request message and receiving the response message are repeated for each of a plurality of web pages requested by the end user.

On the other hand, Gralla teaches the receiving a first request message, the sending a second request message and receiving the response message are repeated for each of a plurality of web pages requested by the end user. (interpreted to include steps 1-3, P. 164-165, also P. 15, step 5-retransmission under TCP/IP)

See under claim 17 supra for applicable analysis and discussion.

Regarding claim 38, Epixtech teaches an arrangement for setting up and updating a portal for an end user (interpreted to include “a patron”, P. A-4, definition; interpreted to include letting users change their PIN on P. 3-104, Col. 2, Cell Row 5) to access web pages in a data

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network via the portal page (P. 1-12, Fig.), comprising: a web server (interpreted to include “iPac provides your library users with a World Wide Web-based interface for searching your library catalog system”, P. 1-3, paragraph 1) comprising: a web page having an address of an associated content data record (interpreted to include “Call 250 COMP”, P. 1-12, bottom left of Fig), and the associated content data record that describes a content on the respective web page (interpreted to include “Companion to Shakespeare’s Hamlet”, P. 1-12, item #3, Fig); a proxy server communicatively coupled to the web server and to a computer of the end user (interpreted to include “a patron”, P. A-4, definition; interpreted letting users change their PIN on P. 3-104, Col. 2, Cell Row 5), the proxy server having a storage area for storing a copy of the web page (P. 2-9, interpreted to include “Administration Tool...generates reports for all the iPac Libraries”); a portal server that manages a dynamically generated portal page and communicatively coupled to the web server and to the proxy server, the proxy server comprising: a database that stores data fields of the associated content data record, a comparison unit that compares the data fields with a user content data record from the user computer, wherein the proxy server receives a request for the web page by the user computer and determines if the web page is stored in the proxy server, (interpreted to be an optional conditional limitation not required to meet the claim) in response to the page not being stored, the proxy server retrieves the web page from the web server and subsequently stores the web page, wherein the proxy server sends the address of the associated content data record to portal server in response to retrieving the web page, wherein the portal server retrieves the associated content data record from the web server and stores the data fields of the retrieved record in the database, wherein the portal server receives the user data record from the user computer and the comparison unit compares the user data record with the

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data fields in the database, wherein in the portal page is dynamically generated to include a displayable link to the web page when the comparison result at least meets a previously defined minimum. (P. 3-23, Col. 2, Row 4), P. 4-71, #1, table, Row 3, Col. 1; also "Z39.50 connection", P. 4-71, item #5)

However, Epixtech does not explicitly teach wherein the proxy server retrieves the web page from the web server and subsequently stores the web page in response to the web page not being stored.

On the other hand, Gralla teaches wherein the proxy server retrieves the web page from the web server and subsequently stores the web page in response to the web page not being stored. (P. 169, steps 1-3)

See under claim 17 supra for applicable analysis and discussion.

Regarding claim 41, Epixtech teaches wherein the associated web page for a content data record having the best match with the user data record is displayed at a prioritized or prominent position on the portal page, wherein the web page is associated via including the address of the content data record. (interpreted to include Fig., P. 1-12, or email of results as shown at the bottom of the figure on P. 1-13)

Regarding claim 42, Epixtech teaches wherein the web pages and the content data records are stored on at least one web server, and wherein the content data records are retrieved using data record addresses which are respectively associated therewith.

(P. 1-12, 1-13)

Regarding claim 43, Epixtech teaches the arrangement as claimed, wherein the portal server retrieves the associated content data record in response to information in the associated content record not being stored in the portal server database. (interpreted to include “interlibrary loan”, P. 3-25, Table, Col. 2, Cell Row 5, Bullet #4 or “Add a Library Connection”, step 4, P. 4-71)

Claims 40 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epixtech, “iPAC System Administrator’s Guide”, 9 Jan 2002, Version 2.0, Epixtech in view of Gralla et al., “How the Internet Works”, Dec. 1999, Que, hereinafter Gralla as applied supra and in further view of Raciborski et al., US Pre-Grant Pub. No. 2001/0051980 A1, Filed 29 May 2001, Pub Date 13 Dec 2001, hereinafter Raciborski.

Regarding claim 40, Epixtech does not explicitly teach the method as claimed, wherein a most requested web page is displayed at a prioritized or prominent position on the portal page.

However, Raciborski teaches the method as claimed, wherein a most requested web page is displayed at a prioritized or prominent position on the portal page (interpreted to be a design choice). (§[112])

The choice of prominence of the position on the portal page is taken as official notice that its elevation as content on a web page is conventional and known thus the choice of whether this appears on a portal page or other page is deemed to be a design choice).

Epixtech in view of Gralla and Raciborski are analogous art pertinent to the problem to be solved. A skilled artisan would have been motivated to combine Epixtech in view of Gralla and Raciborski because it provides for an improvement in the quality of service (QOS) as discussed in paragraph 34 of Raciborski.

Therefore at the time of invention, it would have been obvious to a person having ordinary skill in the art to combine Epixtech in view of Gralla and Raciborski because it provides for an improvement in the quality of service (QOS) as suggested in paragraph 34 of Raciborski..

Regarding claim 44, Epixtech does not explicitly teach the arrangement as claimed, wherein the information is deleted in portal server database after a preset expiry time.

However, Raciborski teaches the arrangement as claimed, wherein the information is deleted in portal server database after a preset expiry time. ([119])

See under claim 40 supra for applicable analysis and discussion.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Wong whose telephone number is 571-270-1015. The examiner can normally be reached on Mon.-Thur. 8:30AM - 6:00PM and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joseph D. Wong
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25 November 2007

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